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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,639	02/19/2002	Ernie L. Woosley	195805-00046	5263

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EXAMINER

GHATT, DAVE A

ART UNIT PAPER NUMBER

2854

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

10/078,639

Applicant(s)

WOOSLEY ET AL.

Examiner

Dave A Ghatt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-23, 25-35, 37-48, 50 and 62-73 is/are rejected.
- 7) ☒ Claim(s) 3, 11, 24, 49 and 61 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Restriction Requirement Withdrawn***

1. The applicant should note that the election/restriction requirement as provided in paper 4 has been withdrawn. Upon further review it is apparent that all 73 original claims are drawn to the same invention.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 62 and 63 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what is required of the language of claims 62 and 63. For instance, claim 62 recites a core is "colored according to the specific arrangement of the tabs with respect to the support." It is not clear what specific arrangement the applicant is referring to. In claim 63 it is also unclear what "a color according to the specific arrangement of the tabs" means. In other words, the relationship or correlation between the core, the color requirement, and the arrangement of the tabs is unclear.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-10, 13-23, 26-35, 38-48, 51-60, 62, and 63, are rejected under 35 U.S.C. 102(e) as being anticipated by Lessard et al. (US 6,199,786). Lessard et al. teaches a hub and spool arrangement as claimed. With respect to independent claims 1, 13, 15, 26, 38, and 51 Lessard et al. teaches a hub 44 for use with a spool 104. As illustrated in Figures 1 and 2, the hub 44 comprising a core with a central axis (not numbered) structured to be disposed on the spool. Lessard et al. also teaches indication members including as support (generally illustrated at 44 in Figure 2) and a plurality of tabs 46. Figure 2 shows the support mounted on the core. Figure 2 also illustrates the plurality of tabs 46 of generally planar configuration disposed on the support. As shown, the at least first tab 46 includes an elongated dimension that extends in a generally radial direction with respect to the central axis of the core.

With respect to claims 2, 14, 27, 39, and 52, Figures 1 and 2 of Lessard et al. teach a generally flat indication member and the support and the at least first tab is generally coplanar.

With respect to claims 3, 4, 16, 17, 28, 29, 41, 42, and 53, as outlined above, Lessard et al. teaches a plurality of tabs 46, each having an elongated dimension that extends in a generally radial direction with respect to the central axis of the core. Figures 1 and 2 also show the indication members being a monolithically-formed single-piece member. Figure 2 also shows the support member (generally illustrated at 44) extending between the plurality of tabs with the support being at least partially arcuate.

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With respect to claims 5, 6, 7, 8, 18, 19, 20, 21, 30, 31, 32, 33, 43, 44, 45, 46, 54, 55, 56, 57, and 58, Lessard et al. teaches the claimed structure. Figure 2 shows an elongated arcuate (ring shaped) support area, generally indicated at 44, and the support tabs extending generally perpendicularly away from the support. Figure 1 also shows the tabs 46 extending from the support in directions toward and away from the central axis.

With respect to claims 9, 10, 22, 23, 34, 35, 47, 48, 59, 60, 62, and 63, Lessard et al. teaches the claimed structure. As outlined above, Lessard et al. teaches a plurality of tabs 46 having each having an elongated dimension that extends generally radial direction with respect to the central axis of the core. Figure 2 illustrates the support generally at 44. This support portion can be divided into different portions including a first support portion and a second support portion (not numbered) and with the first tab 46 being disposed on and extending from the first support portion, and the second tab being disposed on and extending from the second support portion. Figure 2 of Lessard et al. illustrates a portion of the support, screw element 134, which embeds the support in the core.

With respect to claims 62 and 63, as broadly recited, Barwick meets the limitations because the core of Lessard et al. must have a color *according to a specific arrangement* of the tabs *with respect to* the support. It appears as though any core, with any color meets this required arrangement.

6. Claims 1-9, 13-22, 26-34, 38-47, 51-59, 62, 63, and 65-72 are rejected under 35 U.S.C. 102(b) as being anticipated by Barwick (US 4,111,378). Figures 2 and 3 of Barwick

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teach hub and spool arrangements as claimed. With respect to independent claims 1, 13, 26, 38, 51, and 65, Barwick teaches in Figure 2, a hub 34 for use with a spool 30. As illustrated in Figure 2, the hub 34 comprising a core with a central axis (not numbered) structured to be disposed on the spool. Barwick also teaches indication members including as support (generally illustrated at 37 in Figure 2) and a plurality of tabs 35. Figure 2 shows the support mounted on the core. Figure 2 also illustrates the plurality of tabs 35 of generally planar configuration disposed on the support. As shown, the at least first tab 35 includes an elongated dimension that extends in a generally radial direction with respect to the central axis of the core. As illustrated in Figure 2 the tabs 35 are detectable by a switch sensor 38. With respect to the requirement for a printing apparatus, Barwick teaches in column 1 lines 26-30, the operation of the hub in a printing (typewriting) apparatus.

With respect to claims 2, 14, 27, 39, 52 and 66, Figure 2 of Barwick teaches a generally flat indication member and the support and the at least first tab is generally coplanar.

With respect to claims 3, 4, 16, 17, 28, 29, 41, 42, 53, and 67, as outlined above, Barwick teaches a plurality of tabs 34, each having an elongated dimension that extends in a generally radial direction with respect to the central axis of the core. Figures 2 and 3 also show the indication members being a monolithically-formed single-piece member. Figure 2 also shows the support member (generally illustrated at 37) extending between the plurality of tabs with the support being at least partially arcuate.

With respect to claims 5, 6, 7, 8, 18, 19, 20, 21, 30, 31, 32, 33, 43, 44, 45, 46, 54, 55, 56, 57, 58, 68, 69, 70, 71, and 72, Barwick teaches the claimed structure. Figure 2 shows an elongated arcuate (ring shaped) support area, generally indicated at 37, and the support tabs

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extending generally perpendicularly away from the support. Figure 1 also shows the tabs 37 extending from the support in directions toward and away from the central axis. The applicant should note that the requirements for extending towards and extending away from the core are met by the same structure.

With respect to claims 9, 22, 34, 47, and 59, Barwick teaches the claimed structure. As outlined above, Barwick teaches a plurality of tabs 37 having each having an elongated dimension that extends generally radial direction with respect to the central axis of the core.

With respect to claims 62 and 63, as broadly recited, Barwick meets the limitations because the core of Barwick must have a color *according to a specific arrangement* of the tabs *with respect to* the support. It appears as though any core, with any color meets this required arrangement.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 12, 25, 37, 50, 64, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barwick (US 4,111,378). As outlined in the above rejections to claims 1-9, 13-22, 26-34, 38-47, 51-59, 62, 63, and 65-72, Barwick teaches all the claimed subject matter. However Barwick is silent with respect to the material of the indication member. However, to one of ordinary skill in the art, there is nothing unobvious in the requirement for making the

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indicating member of Barwick at least partially metallic or any other hare material, in order to ensure that the indicating member is of a rigidity necessary to move the activation lever 36, as required for the proper operation of the invention of Barwick outlined in column 4 lines 20-53.

9. Claims 12, 25, 37, 50, and 64, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lessard et al. (US 6,199,786) in view of Weber (US 5,153,625). As outlined in the above rejections to claims 1-9, 13-22, 26-34, 38-47, 51-59, 62, 63, and 65-72, Lessard et al. teaches a hub for use with a spool that meets all the claimed limitations, except for the requirement for a partially metallic indication member. Weber teaches a hub for use with a spool similar to that of Lessard et al., including a metallic indication member 24 as outlined in column 3 lines 27-35. To one of ordinary skill in the art, it would have been obvious to use a metallic indication member as taught by Weber, in the apparatus of Lessard et al. in order to provide rigid support for the web material. Furthermore, column 3 lines 1-6 of Lessard et al. teaches that the indication member may be made of any desired material.

***Allowable Subject Matter***

10. Claims 11, 24, 36, 49, and 61 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11, 24, 36, and 49 are indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination, including a window



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formed in the core, and the window extending between the at least first tab and the exterior of the core.

Claims 61 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination, including a plurality of windows formed in the core, and the windows extending between one of the tabs and the exterior of the core.

### ***Conclusion***


11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The applicant's attention is invited to the prior art to Takai et al. (US 4,993,659 teaching a hub assembly for use with a spool, the hub including indication means having a plurality of tabs).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A Ghatt whose telephone number is (703) 308-2417. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (703) 305-6619. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.

DAG

  
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